

Art Unit: 3611

1. Claim 1 is objected to because of the following informalities: In claim 1, line 3, the parentheses should be deleted. Appropriate correction is required.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17-19, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kitrell (USPN 4,625,984).

Kitrell shows a wheelchair with a driving mechanism including a driving wheel 22, 22', on an axle shaft, a traction wheel 20, and a transmission 21, 24, 26, on a flat, rigid member (unnumbered) supporting the driving wheel at one end and the traction wheel at the other (see Fig. 3). Each side module is designed to be removable from the center parts, the seat and the backrest.

4. Claims 17-19, and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by JA 5-84264.

JA '264 shows a wheelchair with a driving mechanism including a driving wheel 29 on an axle shaft, a front traction wheel 7, and a transmission 25-28 in a rigid case 26 supporting the driving wheel at one end and the traction wheel at the other.

5. Claims 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Lambert (USPN 4,732,402).

Lambert shows a wheelchair with a driving wheel 3 a traction wheel 2 and a transmission in rigid transmission case 6 connected there between. The case 6 has a

Art Unit: 3611

rigid outer wall between the transmission elements 8-10 and the driving and traction wheels.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 8, 13-16, 24, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (5,573,261) in view of Kitrell.

Miller teaches a wheelchair frame that is narrow enough to travel through a conventional 25" bathroom door. It has a front drive wheel, rear casters, and a non-corrosive frame 11.

Miller lacks a drive mechanism with a driving wheel and traction wheel.

Kitrell shows a wheelchair with a driving wheel 22, 22', on an axle shaft, a traction wheel 20, and a transmission 21, 24, 26, on a flat, rigid member (unnumbered) supporting the driving wheel at one end and the traction wheel at the other (see Fig. 3).

It would have been obvious to one of ordinary skill in the art to provide the Miller wheelchair with a drive mechanism having driving and traction wheels, as taught by Kitrell, in order to position the driving wheel at a position convenient to the user.

8. Claims 1, 4-6, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miler in view of Hanson (USPN 6,257,608).

Art Unit: 3611

Miller teaches a wheelchair frame that is narrow enough to travel through a conventional 25" bathroom door. It has a front drive wheel, rear casters, and a non-corrosive frame 11.

Miller lacks a drive mechanism with a driving wheel and traction wheel.

Hanson shows a wheelchair with a driving wheel 84 on an axle shaft, a traction wheel 40, and a transmission 21, 24, 26, on a flat, rigid member 28 supporting the driving wheel at one end and the traction wheel at the other. Armrests 36 are positionable at or below the level of the seat 32 and are spaced from the backrest 34, as broadly recited.

It would have been obvious to one of ordinary skill in the art to provide the Miller wheelchair with a drive mechanism having driving and traction wheels, as taught by Hanson, in order to position the driving wheel at a position convenient to the user.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Hansen as applied to claims 1, 4-6 and 13-16 above, and further in view of Nasr (USPN 3,937,490).

Henson teaches vertically movable arm rests, but fails to teach a tubular base telescopically receiving a leg of the arm rest.

Nasr shows a wheelchair with vertically movable arm rests. Each arm rest included a vertical leg 10 telescopically received in a tubular support 11.

It would have been obvious to one of ordinary skill in the art to provide the combination arm rests with tubular supports for each vertical leg, as taught by Nasr, in order to provide sturdy supports.

10. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Hansen as applied to claims 1, 4-6, and 13-16 above, and further in view of Savegnago (USPN 6,733,024).

Miller teaches providing a central opening in the seat, but lacks a removable cover, a pivot axis at the front edge of the seat and a handle.

Savegnano shows a wheelchair with a seat 19 having a removable cover 20 for a central hole in the seat. The cover pivots about an axis 21 at the front edge of the seat and includes a handle 23 below the cover and a locking means 42-47.

It would have been obvious to one of ordinary skill in the art to provide the combination seat with a cover for the central hole that pivots about an axis at the front edge of the seat and that has a handle and a locking means, as taught by Savegnano, in order to provide easy access to the seat opening.

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert in view of Everest (USPN 2,181,420).

Lambert shows a fails to show the rigid transmission supporting member 6 forming a triangle with a vertical frame member and a horizontal frame member.

Everest shows a wheelchair with a transmission 70 forming a triangle between horizontal seat supporting member 17 and vertical member 12 (see Figure 10).

It would have been obvious to position the transmission and its case between horizontal and vertical frame members, forming rigid triangle, as taught by Everest, in order to eliminate the need for the bulky bracket 7 of Lambert and reduce the overall weight.

12. Claims 21-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lambert.

Lambert is silent regarding ribs between side panels of case 6, a seal, and the overall width of the driving mechanism. However, Lambert teaches a closed case 6 and shows the overall width of the driving mechanism to be small (Figure 3). It would have been obvious to one of ordinary skill in the art to provide reinforcing ribs and seal, as is well known in the art, in order to strengthen and protect the transmission. It would also have been obvious to dimension the driving mechanism at less than 8 cm., in order to provide a compact and maneuverable overall wheelchair configuration.

13. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Agrillo, Dimatteo, Tosti and Gay teach additional wheelchair designs.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anne Marie M Boehler/
Primary Examiner, Art Unit 3611

Anne Marie M Boehler
Primary Examiner
Art Unit 3611

amb